IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

NETLIST, INC.,
　　　　　　Plaintiff

-vs-

SK HYNIX INC., SK HYNIX AMERICA INC.,
　　　　　　Defendants

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6-20-CV-00194-ADA

6-20-CV-00525-ADA

CLAIM CONSTRUCTION ORDER

The parties requested the Court to construe claim terms of United States Patent Nos. 9,858,218; 10,474,595; and 10,217,523. The Court provided preliminary constructions on March 3, 2021 and held a claim construction hearing on March 4, 2021, during which the Court heard argument on the following claim terms: (1) "notification signal associated with the [one or more training sequences]"; (2) "information related to the [one or more training sequences]"; (3) "open-drain signals related to the [one or more training sequences]"; (4) "first mode"; (5) "second mode."

After careful consideration of the parties' briefs, oral argument, and agreements after the hearing, and the applicable law, the Court enters its final constructions for each term as shown below:

U.S. Patent Nos. 9,858,218 and 10,474,595

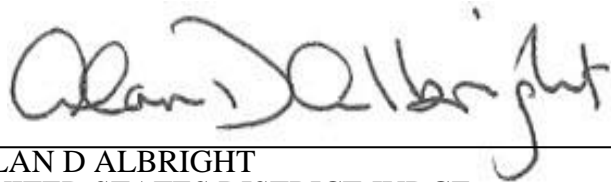| Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
"mode" / "first mode" / "second mode"	Distinct behavioral state that a system may be switched to Neither "first" nor "second" require construction	Plain and ordinary meaning in the context of the claims and specification: For the '218 Patent: "first mode" means "initialization mode" "second mode" means "operational mode" For the '595 Patent: "first mode" means "operational mode" "second mode" means "initialization mode"	Plain and ordinary meaning
"one or more training sequences"	One or more operations related to synchronization of a receiver circuit to an incoming signal	"training sequence" means "operations, steps or tasks completed by the memory module in a particular order to train itself as part of its initialization" No construction necessary for the rest of the term/phrase.	"Training sequences" means "operations in a particular order for preparing a memory system to perform its intended functions"
"notification signal associated with the [one or more training	"Notification signal" should receive its plain and ordinary meaning, which does not	"an unscheduled signal provided without polling that	See above for construction of "one or more training

sequences]"	encompass polling. "One or more training sequences" means "one or more operations related to synchronization of a receiver circuit to an incoming signal." The remainder of the term does not require construction and should receive its plain and ordinary meaning.	indicates the status of the [one or more training sequences]" The "one or more training sequences" language is addressed above.	sequences." The rest of the phrase has its plain and ordinary meaning, which does not encompass polling.
"information related to the [one or more training sequences]"	"One or more training sequences" means "one or more operations related to synchronization of a receiver circuit to an incoming signal." The remainder of the term does not require construction and should receive its plain and ordinary meaning.	"information provided without polling at an unscheduled time that indicates the status of the [one or more training sequences]" The "one or more training sequences" language is addressed above.	See above for construction of "one or more training sequences." The rest of the phrase has its plain and ordinary meaning, which does not encompass polling.
"open-drain signals related to the [one or more training sequences]"	"One or more training sequences" means "one or more operations related to synchronization of a receiver circuit to an incoming signal" The remainder of the term does not require construction and should receive its plain and ordinary meaning.	"an unscheduled signal provided without polling from an open-drain output that indicates the status of the [one or more training sequences]" The "one or more training sequences" language is addressed above.	See above for construction of "one or more training sequences." The rest of the phrase has its plain and ordinary meaning, which does not encompass polling.

U.S. Patent No. 10,217,523

Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Preliminary Construction
"first mode"	The term "first" does not require construction. The term "mode" means "a distinct behavioral state that a system may be switched to."	Plain and ordinary meaning in the context of the claims and specification: "normal mode"	Plain and ordinary meaning
"second mode"	The term "mode" means "a distinct behavioral state that a system may be switched to."	Plain and ordinary meaning in the context of the claims and specification: "self-test mode"	Plain and ordinary meaning
"data handler"	The term "data handler" does not require construction and should receive its plain and ordinary meaning as understood by a person of ordinary skill in the art at the time of the invention.	"circuitry that generates and manages data, where generate and manage have the meanings set forth above"	"Circuitry for generating and processing data"
"data handler logic element[s]"	The term "data handler logic element[s]" does not require construction and should receive its plain and ordinary meaning as understood by a person of ordinary skill in the art at the time of the invention.	"logic element(s) that generate and manage data, where generate means to produce (i.e., bring into existence, including by transformation or modification of information and/or data received from another component), which does not include packing and unpacking data from a packet, and manage means to process, transfer and/or	Plain and ordinary meaning, except see construction of "data handler" above

		control the movement of"	
"data module"	The term "data module" does not require construction and should receive its plain and ordinary meaning as understood by a person of ordinary skill in the art at the time of the invention.	"module including at least one [data handler]"	Plain and ordinary meaning

SIGNED this 12th day of March, 2021.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE